IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.5032 of 2006

Dharmendra Ramakant More. ..Petitioner.

Vs

The State of Maharashtra and Ors. .. Respondents.

Mr R.K.Mendadkar with Ms H.K. Mandlik for the petitioner.
Mr C. R. Sonawane, AGP, for respondent Nos 1 to 3.

CORAM: H.S. BEDI, C.J., &
V.M. KANADE, J.
DATE: OCTOBER 6, 2006.

P.C.:-

We have heard the learned counsel for the parties.

1. By this petition a challenge had been made to the order dated 19th June, 2006 passed by respondent No. 2 invalidating the caste certificate of the petitioner, which identifies the petitioner as being a Thakur, and therefore, belonging to a Scheduled Tribe.

2. When this matter came up for hearing before a Division Bench on 1st August, 2006, the Bench passed the following order:

"Inter alia the contention of the counsel for the petitioner is that the caste certificate of petitioner's two brothers, namely,

Jagdish and Deepak have been validated by the Caste Scrutiny Committee and both of them have bee declared to be belonging to the scheduled tribe “Thakur” and that said documents having been produced before the Caste Scrutiny Committee. The caste claim of the petitioner that he belongs to scheduled tribe “Thakur” ought to have been verified by the Caste Scrutiny Committee, accordingly.

Mr. C.R. Sonawane, Assistant Government Pleader prays for some time to find out as to whether Jagdish and Deepak are real brothers of the petitioner or not. At this request, stand over for three weeks”.

3. In response to the above directions, an affidavit of Shri Sharad Shankarrao Chavan dated 13th September, 2006 has been filed in which it has been conceded that Deepak Ramakant More and Jagdish Ramakant More are the real brothers of the petitioner. Concededly aforesaid Deepak Ramakant More and Jagdish Ramakant More have been given caste certificates identifying them as Thakur-Scheduled Tribe. We therefore find that the refusal of the caste validity certificate to the petitioner was wholly uncalled for. We accordingly allow the petition, quash and set aside the order and direct respondent No.2. to issue caste validity certificate

to the petitioner within a period of two weeks from today. We also direct the respondents to pay to the petitioner costs quantified at Rs.1000/-.

CHIEF JUSTICE

V.M.KANADE J.